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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,457	05/15/2001	K. Douglas Gennetten	10007458-1	9232

22879 7590 05/20/2005

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FORT COLLINS, CO 80527-2400

EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/855,457

Applicant(s)

GENNETTEN, K. DOUGLAS

Examiner

Gevell Selby

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

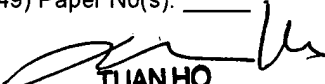
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 14-25.
Claim(s) objected to: _____.
Claim(s) rejected: 1-13 and 26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the attached Response to Arguments.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


TUAN HO
PRIMARY EXAMINER

Response to Arguments

1. Applicant's arguments filed 4/26/05 have been fully considered but they are not persuasive.

The applicant submits the prior art does not disclose the following limitations of the claimed invention:

1) "operating a digital camera as a camera prior to docking" and after docking "displaying digital images on an LCD of said digital camera in a electronic picture frame operating mode after detecting docking" as claimed in claim 26;

2) "a camera docking interface...adapted to operate the digital camera as an electronic picture frame" as claimed in claims 1-12;

3) "selectively operated in a digital camera mode and an electronic picture frame mode" as claimed in claim 3;

4) "a digital camera...comprising a processor programmed to receive images from a remote device and/or location via a communication interface selected from among a group consisting of an internet, a wired modem, a wireless modem, a local area network (LAN), a local wireless, and a wireless internet" as claimed in claim 9;

5) "the processor programmed to display images stored within the digital camera in an electronic picture frame operating mode after detecting docking" as claimed in claim 10;

6) "a processor programmed to selectively operate the digital camera as a camera and as an electronic picture frame...including downloading images via internet connection from a website whereby digital images are store or exchanged peer-to-peer" as claimed in claim 11;

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7) “a camera docking interface...adapted to operate the digital camera as an electronic picture frame” or “converting to operation as an electronic picture frame” as claimed in claims

13. The examiner respectfully disagrees.

Examiner's Reply:

1) The Morikawa reference discloses operating a digital camera as a camera prior to docking (see column 9, lines 8-12 and column 40, lines 9-12) and displaying digital images on an LCD of said digital camera in a electronic picture frame operating mode (the telephone communication mode wherein the reception image of the communicating party is retrieved from memory and display on the LCD while the two parties are talking serves as the electronic picture frame operating mode) after detecting docking (see column 40, lines 9-12 and 31-50: it is inherent that when two docked camera are connected over the phone line exchanging images in the telephone or electronic picture frame mode, the images of the other party is displayed on the LCD of the camera).

2) The Morikawa reference discloses a camera docking interface (see column 34, lines 54-60 and column 36, lines 5-15)...adapted to operate the digital camera as an electronic picture frame (see column 40, lines 9-12 and 31-50: The LCD (35) serves as an electronic picture fame in that it continuously displays an electronic image retrieved from the memory).

3) The Morikawa reference discloses selectively operated in a digital camera mode (see column 9, lines 8-12 and column 40, lines 9-12) and an electronic picture frame mode (see column 40, lines 9-12 and 31-50: the telephone communication mode wherein the reception image of the communicating party is retrieved from memory and display on the LCD while the two parties are talking serves as the electronic picture frame operating mode).

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4) The Morikawa reference discloses a digital camera (see figure 34) ...comprising a processor (1016) programmed to receive images from a remote device and/or location via a communication interface of an internet a wired modem (30: see column 35, lines 1-8).

5) The Morikawa reference discloses the processor programmed to display images stored within the digital camera in an electronic picture frame operating mode (telephone communication mode) after detecting docking (see column 40, lines 9-12 and 31-50: it is inherent that when two docked camera are connected over the phone line exchanging images in the telephone or electronic picture frame mode, the images of the other party is displayed on the LCD of the camera).

6) The Morikawa reference discloses a processor programmed to selectively operate the digital camera as a camera (see column 9, lines 8-12 and column 40, lines 9-12) and as an electronic picture frame (see column 40, lines 9-12 and 31-50: the telephone communication mode wherein the reception image of the communicating party is retrieved from memory and display on the LCD while the two parties are talking serves as the electronic picture frame operating mode)...including downloading images via a modem connection whereby digital images are stored or exchanged peer-to-peer (see column 35, lines 1-8 and column 41, lines 28-53: The reference discloses the a processor that performs the operations of the claimed invention. It is inherent the modem can be used to connect with another end user or over the Internet with an automated website with the same communication protocol).

7) The Morikawa reference discloses a camera docking interface (see figure 32)...adapted to operate the digital camera as an electronic picture frame and converting to operation as an electronic picture frame (see column 40, lines 9-12 and 31-50: the telephone communication

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mode wherein the reception image of the communicating party is retrieved from memory and display on the LCD while the two parties are talking serves as the electronic picture frame operating mode).